

Documents on Diplomacy: The Source

Instructions to the Agent

Tuesday: September 24, 1776

Congress resumed the consideration of the instructions to the agent, and the same being debated by paragraphs, and amended, were agreed to.

INSTRUCTIONS TO

There is delivered to you herewith a Plan of a Treaty with his most Christian Majesty of France, approved of in Congress, on the Part of the United States of America.

It is the wish of Congress that the Treaty should be concluded; and you are hereby instructed to use every Means in your Power for concluding it, compactly conformable to the Plan you have received.

If you shall find that to be impracticable, you are hereby authorized to relax the Demands of the United States, and to enlarge their Offers agreeably to the following Directions:

If his most Christian Majesty shall not consent that the subjects [inhabitants] of the United States shall have the Privileges proposed in the second Article, then the United States ought not to give the Subjects of his most Christian Majesty the Privileges proposed in the first Article; but that the United States shall give to his most Christian Majesty the same Privileges, Liberties, and Immunities at least, and the like Favour in all Things which any foreign Nation the most favoured shall have; provided, his most Christian Majesty shall give to the United States the same Benefits, Privileges and Immunities which any the most favoured foreign Nation now has, uses, or enjoys. And, in Case neither of these Propositions of equal Advantages are [is] agreed to, then the whole of the said Articles are to be rejected, without absolutely barring rather than obstruct the further Progress of the Treaty.

The third [fourth¹] Article must be insisted upon.

The sixth [seventh] Article ought to be obtained, if possible; but should be waived, rather than that the Treaty should be interrupted by insisting upon it: His most Christian Majesty agreeing, nevertheless, to use his Interest and Influence to procure Passes from the States mentioned in this Article for the Vessels of the United States upon the Mediterranean.

¹ The order of paragraphs 2–16 changed during negotiation. Modern readers should reference the paragraph number inside the brackets.

postponed The seventh [eighth] Article will probably be attended with some Difficulty. If you find his most Christian Majesty determined not to agree to it, you are empowered to add to it, any of the following Proposals Offers or two of them, or all of them, if one or two of them should be discovered to be unsatisfactory:

1. If A should undertake an Expedition to recover what she lost in the West Indies during the last War with G. Britain the United States will, in that expedition, supply France with Provisions if required, and will not supply G. Britain with any.

postponed 2. The United States will agree to an exclusive Contract in Favour of A. during the Term of _____ Years, for Masts and Naval Stores, as far as they can spare them.

agreed 3. The United States will not, upon a Peace with Great Britain, grant to her Terms of Commerce more advantageous than those they will grant to A,

as follows: [That the United States will never be subject, or acknowledge allegiance, or obedience, to the king, crown, or parliament of Great Britain; nor grant to that nation any exclusive trade; or any advantages, or privileges in trade, more than to his most Christian majesty; neither shall any treaty for terminating the present war between the king of Great Britain and the United States, or any war which may be declared by the king of Great Britain against his most Christian majesty, in consequence of this treaty, take effect, until the expiration of eight six calendar months after the negotiation for that purpose shall have been duly notified, in the former instance by the United States to his most Christian majesty, and in the other instance, by his most Christian majesty to the United States; to the end that both these parties may be included in the peace, if they think proper.]

The eleventh and twelfth [twelfth and thirteenth] Articles are to be waived, if you find that the Treaty will be interrupted by insisting on it [them].

You will press the thirteenth [fourteenth] Article; but let not the Fate of the Treaty depend upon obtaining it.

If his most Christian Majesty should be unwilling to agree to the fifteenth [sixteenth] and twenty sixth Articles, you are directed to consent that the Goods and Effects of Enemies, on Board the Ships and Vessels of either Party, shall be liable to Seizure and Confiscation.

The twenty fifth Article is not to be insisted upon.

As the Scarcity of Arms, Artillery and other military Stores is so considerable in the United States. You will solicit the Court of France for on immediate Supply of twenty or thirty thousand Muskets and Bayonets, and a large Supply of Ammunition and brass Field Pieces, to be sent under Convoy by France. The United States will engage for the Payment of the Arms, Artillery and Ammunition, and to indemnify France for the Expense of the Convoy.

Engage a few good Engineers in the Service of the United States.

It is highly probable that France means not to let the United States sink in the present Contest. But as the Difficulty of obtaining true Accounts of our Condition may cause an Opinion to be entertained that we are able to support the War on our own Strength and Resources longer than, in fact, we can do, it will be proper for you to press for the immediate and explicit declaration of France in our Favour, upon a Suggestion that a Re-union with Great Britain may be the Consequence of a delay.

Should Spain be disinclined to our Cause, from an Apprehension of Danger to his Dominions in South America, you are empowered to give the strongest Assurances, that that Crown will receive no Molestation from the United States, in the Possession of those Territories.

You will transmit to us the most speedy and full Intelligence of your Progress in this Business, and of any other European Transactions that it may import us to know.

[You are desired to get the best and earliest information that you possibly can of any negotiations that the Court of London may be carrying on for obtaining foreign mercenaries to be sent against these States the next Campaign; and if any such design is in agitation, you will endeavor to

prevail with the Court of France to exert its influence in the most effectual manner to prevent the execution of such designs.

[If the Court of France cannot be prevailed on to engage in the War with Great Britain for any considerations already proposed in this treaty, you are hereby authorized to agree as a further inducement, that these United States will wage the war in union with France not make peace with Great Britain until the latter France shall gain the possession of those islands in the West Indies formerly called Neutral, and which by the Treaty of Paris were ceded to G. Britain provided France shall make the conquest of these Islands an early object of the War and prosecute the same with sufficient force.

[You are desired to obtain, as early as possible, a publick acknowledgment of the Independency of these States on the Crown and Parliament of Great Britain, by the Court of France.]

In conducting this important Business, the Congress have the greatest Confidence in your Address, Abilities, Vigilance, and Attachment to the Interests of the United States; and wish you every Success.

Resolved, That the committee of Secret Correspondence be directed to lay before Congress to Morrow morning, the intelligence they have lately received from abroad.

Resolved, That Thursday next be assigned for appointing an agent, or agents, to transact foreign the business of the United States at the Court of France.

The several matters to this day referred, being postponed,
Adjourned to 10 o'Clock to Morrow. ■

Source

Journals of the Continental Congress 1774-1779, Edited from the original records in the Library of Congress by Worthington Chauncy Ford; Chief, Division of Manuscripts. Washington, DC : Government Printing Office, 1905.

The Avalon Project: Documents in Law, History, and Diplomacy, Yale Law School, Lillian-Goldman Law Library

http://avalon.law.yale.edu/18th_century/fr1778i.asp